

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT GORMAN,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CITY OF CHESTER, et al.,	:	NO. 11-6340
	:	
Defendants.	:	

ORDER RE: MOTION FOR PARTIAL DISMISSAL OF AMENDED COMPLAINT

AND NOW, this 9th day of May, 2012, upon consideration of Defendants' Motion for Partial Dismissal of Plaintiff's Amended Complaint (ECF No. 9), and the supporting and opposing briefs, and for the reasons explained in the accompanying Memorandum Re: Motion for Partial Dismissal of Amended Complaint, it is hereby ORDERED as follows:

- (1) All claims against Defendants City of Chester, Floyd Lewis III, Daren Alston, and Wendell Butler are dismissed without prejudice, except for the substantive due process claim against them, which is dismissed with prejudice against all Defendants;
- (2) Count II ("42 USC - First Amendment") is dismissed without prejudice against Defendant Bail;
- (3) Count III ("Fourteenth Amendment - Due Process") is dismissed without prejudice against Defendant Bail to the extent it asserts a procedural due process or Equal Protection claim, and is dismissed with prejudice to the extent it asserts a substantive due process claim;

- (4) Counts IV (“Fourteenth Amendment - 42 USC 1986 Failure to Stop or Supervise”) and Count V (“Fourteenth Amendment - 42 USC 1985 Conspiracy”) are dismissed without prejudice against Defendant Bail; and
- (5) Plaintiff is GRANTED leave to file a Second Amended Complaint, consistent with this Order and the Accompanying Memorandum Re: Motion for Partial Dismissal of Amended Complaint, within thirty (30) days of the date of this Order.

BY THE COURT:

5/9/12
Date: _____

s/Michael M. Baylson

Michael M. Baylson, U.S.D.J.

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